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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 09-41750 MEH

**AMIR FARHAD SAMIMI and
MARIA GUADALUPE SAMIMI,**

Chapter 13

Debtors.

**DECLARATION IN SUPPORT OF
MOTION TO MODIFY CHAPTER 13
PLAN**

I, Patrick L. Forte, declare:

1. I am the attorney for the debtors herein.

2. The main purpose of the Chapter 13 plan, which was confirmed on May 20, 2009, was to accomplish a debt adjustment of the debtors' unsecured indebtedness while paying off their vehicle loan. The debtors have dutifully made all of their plan payments to date.

3. Debtors are now seeking to modify their plan in order to make it feasible. The plan has become unfeasible due to two errors, neither of which are the fault of the debtors or the Chapter 13 trustee.

4. The first error was that of Bank of America which waited thirty-nine (39) months before filing its proof of claim for the vehicle loan. The second error was my failure to notice that Bank of America had failed to file its proof of claim.

5. Consequently, four (4) unsecured claims were paid at the expense of the debtors' vehicle loan. This motion to modify the Chapter 13 plan is an attempt to achieve the desired result which the debtors were seeking when they originally filed the case, namely, the repayment of the vehicle loan. There have been no objections to this motion by the unsecured creditors. The trustee has objected, but has stipulated to withdraw her objection.

6. It would be unfair to burden the trustee or her staff with any additional work resulting from the mistakes made in this case. Therefore, I am requesting that the court make me solely responsible for the enforcement of the Order Modifying Plan and for the collection of any refunds from unsecured creditors necessitated by the plan modification. These refunds will be payable to the trustee for disbursement pursuant to the plan as modified.

7. I am asking that the Chapter 13 trustee not be held liable for the enforcement of the Order Modifying Plan and I have drafted language to that effect in the Order submitted herewith.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed October 5, 2012, at Oakland, California

/s/ Patrick L. Forte
Patrick L. Forte
ATTORNEY FOR DEBTORS